

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DIAGEO NORTH AMERICA, INC.,

Plaintiff,

-against-

M/V "TORONTO EXPRESS", her engines, boilers, etc.  
and ORIENT OVERSEAS CONTAINER LINE LIMITED,

Defendant.  
-----X

USDC SDNY  
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DATE FILED: 5/30/08

**VOLUNTARY  
DISMISSAL AND ORDER**

08 CIV 4464 (LAP)(KNF)

No answer having been filed and the captioned action having been settled, it is hereby discontinued as to all parties pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure with prejudice but without costs as to any party, subject to re-opening by letter application in the event that the settlement is not consummated within thirty (30) days of entry hereof.

Dated: New York, New York  
May 21, 2008

McDERMOTT & RADZIK, LLP  
Attorneys for Plaintiff

By:

*James J. Ruddy*  
James J. Ruddy (JR-0693)  
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New York, New York 10005  
212-376-6400  
Ref.: 10-07-2001 JJR

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LORETTA A. PRESKA  
U.S. DISTRICT JUDGE  
S D N Y

**SO ORDERED:**

The Clerk of the Court shall  
mark this action closed and all  
pending motions denied as moot.

\_\_\_\_\_  
U.S.D.J.

~~SO ORDERED:~~

*Loretta A. Preska*  
LORETTA A. PRESKA, U.S.D.J.

May 30,  
2008